



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,961	12/31/2001	Andrew F. Glew	42390.P13736	8435

John P. Ward, Esq.  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

7590

06/03/2008

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

MAIL DATE

DELIVERY MODE

06/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/039,961

**Applicant(s)**

GLEW ET AL.

**Examiner**

MICHAEL PYZOCHA

**Art Unit**

2137

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6,8,9,12-18,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,12-18,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2137

**DETAILED ACTION**

1. Claims 1, 2, 4-6, 8, 9, 12-18, 22 and 23 have been considered.
2. Response filed 02/29/2008 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8, 9, 12-14, 16-18, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over England et al. (US 6651171) in view of Okada (US 6704872).

As per claims 1 and 23, England et al. discloses a processor comprising: memory; one or more execution units loading an authenticated code module into the memory, locking the memory (see column 6 lines 5-39 and 47-67), retrieving a key, authenticating the authenticated code module stored in the memory using the key, and initiate execution of the authenticated code module stored in the memory (see column 3

lines 35-43; column 3 line 65 through column 4 line 13 and column 13 lines 15-26).

England fails to explicitly disclose decode logic to receive a launch instruction and the one or more execution units to execute the launch instruction by loading an authentication code.

However, Okada teaches decode logic to receive a launch instruction (see column 4 lines 31-52) and the one or more execution units to execute the launch instruction by loading an authentication code (see column 10 lines 41-64).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the execution method of Okada in the England et al. system.

Motivation to do so would have been to provide a processor having a function to prevent the illegal execution of a program (see Okada column 4 lines 31-32).

As per claim 2, the modified England et al. and Okada system discloses a cache memory that provides the memory (see England et al. column 8 lines 21-25).

As per claims 4-5, the modified England et al. and Okada system discloses the execution units lock the cache memory to prevent replacement of lines of the authenticated code module

stored in the cache memory (see England et al. column 7 lines 1-4 and column 11 lines 40-63).

As per claims 6 and 22, the modified England et al. and Okada system discloses a decoder to generate one or more opcodes for the launch instruction, wherein the execution units authenticate and execute the authenticated code module in response to executing the one or more opcodes (see England et al. column 9 lines 5-19).

As per claims 8, 9, and 12-14, the modified England et al. and Okada system discloses a key, wherein the execution units utilize the key to authenticate the authenticated code module and wherein the execution units, in response to the launch instruction retrieve a key from a chipset and use the key to authenticate the authenticated code module stored in the memory (see England et al. column 13 lines 10-62 and column 15 lines 19-52).

As per claims 16-18, the modified England et al. and Okada system discloses the execution units initiate execution of the authenticated code module only if the authenticated code module is determined to be authentic (see England et al. column 9 lines 12-15 and column 7 lines 35-59).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified England et al. and Okada system, as applied to claim 1, in view Abgrall (US 20030037237).

As per claim 15, the modified England et al. and Okada system fails to the use of RSA and SHA-1 for the digital signature verification.

However, Abgrall discloses that RSA and SHA-1 are commonly used in signature verification (see paragraph 346).

It would have been obvious to one of ordinary skill in the art at the time the invention to combine the ideas of Abgrall with those of the modified England et al. and Okada system.

Motivation to do so would have been that RSA and SHA-1 are commonly used and known to be effective algorithms for use in such a verification process.

#### ***Response to Arguments***

6. Applicant's arguments filed 02/29/2008 have been fully considered but they are not persuasive. Applicant argues that the combination of England and Okada is improper because there is no motivation to combine the references.

With respect to Applicant's argument that the combination is improper, both England and Okada specifically relate to the execution of programs. Okada teaches decode logic to receive a

launch instruction (see column 4 lines 31-52) and the one or more execution units to execute the launch instruction by loading an authentication code (see column 10 lines 41-64), limitations not taught by England. The Okada reference teaches that performing these steps prevents the illegal execution of a program. One of ordinary skill in the art would be motivated to combine Okada with England in order to add this benefit of preventing illegal execution of a program to the England system. Therefore, the combination of England and Okada is proper.

#### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137